

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

By this amendment applicants have cancelled claims 1-104, inclusive, without prejudice or disclaimer. Applicants expressly reserve the right to file or more divisional applications directed to the non-elected claims in applicants' Response to the Restriction Requirement of November 6, 2006.

Applicants have added new claims 105-120, inclusive, which are directed to the gene variants of STAT-6 and pharmacogenetic markers which were elected for prosecution in the Response to Restriction Requirement of November 6, 2006. The newly added claims are fully supported in the as-filed specification.

It is respectfully submitted that the 35 U.S.C. §101 rejection has been overcome in the newly added claims by virtue of the recitation in each of the claims of the term "isolated". Accordingly, withdrawal of the §101 rejection is respectfully solicited.

The Examiner has rejected the claims under 35 U.S.C. §112, second paragraph, for indefiniteness. This rejection is respectfully traversed.

With regard to item 5 at page 3 of the Office Action, term "novel" has been deleted from the preamble of the claims.

With regard to item 6 at page 3 of the Office Action, it is now clear which specific nucleic acid sequence is being claimed.

It is respectfully submitted that the §112, second paragraph, rejection has been overcome and should accordingly be withdrawn.

The objection raised by the Examiner with respect to item 8 at page four of the Office Action regarding claims 10-12 and 29 has been rendered moot in view the cancellation of those claims.

In the new claims the objections raised to items 9, 10, 11 and 12 at page 4 have been overcome.

Since the objections to the claims have been overcome, their withdrawal is respectfully solicited.

The claims are now in proper dependent order. Accordingly, the objection under 37 C.F.R. 1.75(c) has been overcome and should be withdrawn.

Claims 1-9, 17-19 and 77-85 stand rejected under 35 U.S.C. 102(b) as being anticipated by the article by Patel et al. in *Genomics*, 1998, Vol. 52, p. 192-200. This rejection is respectfully traversed.

The Patel et al. reference does not report the repeats R1 and R3 and their alleles as claimed in the present invention. The Patel et al. reference also does not disclose or teach anything about asthma. Patel et al. have simply sequenced the STAT-6 gene which has been implicated in multiple solid tumors.

The Patel reference discloses the exon sequence of the STAT-6 gene, while the claimed invention is related to the upstream sequence of the STAT-6 repeat polymorphism and their haplotypes which are not even disclosed in the Patel et al. reference. (The Patel reference does not disclose SEQ ID NO 1 R1). The flanking sequences (upstream and downstream of TG repeat of R1 and its alleles) of the claimed invention (SEQ ID NO 1) are totally different and distinguishable from the disclosed flanking region of the STAT-6 gene of Patel. Accordingly,

the §102(b) rejection has been overcome, and its withdrawal is respectfully solicited.

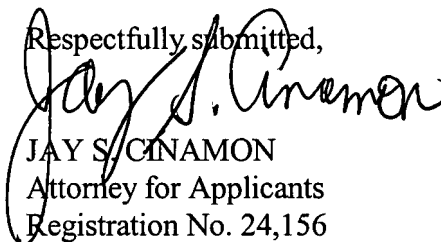
Claims 1-9, 13-19, 77-85 stand rejected under 35 U.S.C. §102(a) as being anticipated by the article in *The Journal of Human Genetics* by Nagarkatti et al. This rejection is respectfully traversed.

Quite simply, independent claims 105 and 118, and the claims dependent thereon, are not disclosed by the Nagarkatti et al. reference. Since the claims herein distinguish over the reference, the §102(a) rejection has been overcome, and its withdrawal is respectfully solicited.

It is respectfully submitted that the application is now in condition for allowance, and issuance of a Notice to that effect is respectfully solicited.

Please charge any fees which may be due and which are not submitted herewith to our Deposit Account No. 01-0035.

Respectfully submitted,



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